UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,337	10/18/2001	Todd Ouzts	MFCP.88143	6724

45809	7590	02/07/2005	

SHOOK, HARDY & BACON L.L.P.
2555 GRAND BOULEVARD
KANSAS CITY, MO   64108-2613

EXAMINER
BONSHOCK, DENNIS G

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)	
	09/982,337	OUZTS ET AL.	
Office Action Summary	Examiner	Art Unit	
	Dennis G. Bonshock	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _07 September 2004_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-12 and 14-16_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-12 and 14-16_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Final Rejection

Response to Amendment

1.   It is hereby acknowledged that the following papers have been received and

placed on record in the file: Amendment as received on 09-07-2004.

2.   Claims 1-16 have been examined.

Status of Claims:

3.   Claims 1, 2, 7, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by

Baecker et al., Patent #5,586,237, hereinafter Baecker.

4.   Claims 3-6, 9-12, and 14-16 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Baecker and Poole, *Macworld Mac OS 8.5 Bible,* hereinafter Poole.

5.   Claim 13 has been cancelled by the applicant.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1, 2, 7, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by

Baecker et al., Patent #5,586,237, hereinafter Baecker.

3.   With regard to claim 1, which teaches a method of use on a computer having a

graphical operating environment, comprising: providing a collection of items within a

container, the container having a background appearance, Baecker teaches, in column

6, line 53 through column 7, line 29 and in figure 6, representing the actual contents of

particular documents in a frame. With regard to claim 1, which further teaches displaying a graphical preview of at least one item on the outer appearance of the container, Baecker teaches, in column 6, line 53 through column 7, line 29, column 7, lines 42-60, and in figure 6, the items being represented by a scaled down representation of the item shown on the folder. With regard to claim 1, further teaching locating the graphical preview on the outer appearance in a desired location, Baecker teaches, in column 6, lines 63-66 and in figure 6, showing icons on the outer appearance of an icon. With regard to claim 1, further teaching enabling a computer user to more easily identify the contents of the container without opening the container, Baecker teaches, in column 6, line 53 through column 7, line 29 and in figure 6, the representations being viewable without opening the files.

4.   With regard to claim 2, which teaches, enumerating the items that exist within the container, Baecker teaches, in column 7, lines 2-9, keeping numbers regarding the number of icons displayed and the number of icons displayable. With regard to claim 2, further teaching, determining whether a graphical preview can be generated for each enumerated item, and generating a list of items for which a graphical preview can be generated, Baecker further teaches, in column 7, lines 41-59 and column 4, line 63 through column 5, line 7, generating a preview from the available images and storing them in memory for use by other folders.

5.   With regard to claim 7, which teaches the preview being a thumbnail image of an item contained within the container, Baecker further teaches, in column 4, lines 20-25,

lines 63-66, column 7, lines 45-47, and in figure 6, the generated image being a scaled

down replica of the actual document and being displayed on the folder.

6.   With regard to claim 8, which teaches a computer readable medium having

computer readable instructions for performing the system, Baecker teaches, in column

4, lines 20-25, the system being implemented on a computer.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 3-6, 9-12, and 14-16 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Baecker and Poole, *Macworld Mac OS 8.5 Bible,* hereinafter Poole.

9.   With regard to claim 3, Baecker teaches, in column 7, lines 2-9, a limited number

of items being able to be displayed on a folder, but doesn't specifically teach a means of

sorting the data. Poole teaches a system of displaying a reduced size representation of

a picture as an icon (see page 159), but further teaches sorting the items displayed (see

page 123). It would have been obvious to one of ordinary skill in the art, having the

teachings of Baecker and Poole before him at the time the invention was made to

modify the system of displaying reduced images in a folder view of Baecker to show the

images based on some sort criteria. One would have been motivated to make such a

combination because this would help to provide a most representative set of data

displayed in a limited area.

10.   With regard to claim 4, Baecker teaches, in column 7, lines 2-9, a limited number

of items being able to be displayed on a folder, but doesn't specifically teach a means of

sorting the data, by most recently modified. Poole teaches a system of displaying a

reduced size representation of a picture as an icon (see page 159), but further teaches

sorting the items displayed by the modified date (see page 123). It would have been

obvious to one of ordinary skill in the art, having the teachings of Baecker and Poole

before him at the time the invention was made to modify the system of displaying

reduced images in a folder view of Baecker to show the images based on some sort

criteria. One would have been motivated to make such a combination because this

would help to provide a most representative set of data displayed in a limited area.

11.   With regard to claim 5, which further teaches sizing the preview on the

background appearance, Baecker further teaches, in column 7, lines 41-59, sizing the

preview and, in column 4, line 63 through column 5, line 7, the moving about of icon

information.

12.   With regard to claim 6, which teaches determining if a graphical preview image

has previously been generated and stored, and if so, displaying the previously

generated previews, Baecker further teaches, in column 6, lines 53-60 and in column 4,

line 63 through column 5, line 7, storing small graphical images for later retrieval.

13.   With regard to claim 9, which teaches a method in a computer system for

displaying a collection of content items within a container, comprising: providing a

collection of items within a background appearance, Baecker teaches, in column 6, line

53 through column 7, line 29 and in figure 6, representing the actual contents of

particular documents in a frame, where the folder, as shown in figure 6, is known in the art to comprise a background appearance. With regard to claim 9, which further teaches displaying a graphical preview of at least one item on the outer appearance of the container, if the collection can be graphically represented, Baecker teaches, in column 6, line 53 through column 7, line 29, column 7, lines 42-60, and in figure 6, generating scaled down representations of the available items. Becker, however, doesn't disclose displaying a textual message in addition to the background appearance and the graphical preview. Poole teaches a system of displaying a reduced size representation of a picture as an icon (see page 159), but further teaches displaying a textual description of the document along with the reduced image (see page 123 and page 159). It would have been obvious to one of ordinary skill in the art, having the teachings of Baecker and Poole before him at the time the invention was made to modify the system of displaying reduced images in a folder view of Baecker to show the images along with textual descriptions as did Poole. One would have been motivated to make such a combination because the textural descriptions would provide a further degree of explanation of the document without the need for opening the document.

14.   With regard to claim 10, which teaches the container being a folder and the background appearance being that of a closed folder, Baecker further teaches, in column 4, lines 20-25 and in figure 6, the generated image being a scaled down replica of the actual document and being displayed on the folder, where the folder, as shown in figure 6, is known in the art to comprise a background appearance.

15.   With regard to claim 11, which teaches the container being a folder and the

background appearance being that of a photo album, Baecker further teaches, in

column 4, lines 20-25, column 7, lines 21-29, and in figure 6, the generated image being

a scaled down replica of the actual document and being displayed on the folder, and the

images being able to be graphical images (pictures).

16.   With regard to claim 12, which teaches at least one graphical preview being a

preview of a electronic picture contained in the folder, Baecker further teaches, in

column 6, lines 53 through column 7, line 29, a preview representing a graphic

document in a folder.

17.   With regard to claim 14, which teaches a computer readable medium having

computer readable instructions for performing the system, Baecker teaches, in column

4, lines 20-25, the system being implemented on a computer.

18.   With regard to claim 15, which teaches a computer system for displaying a

collection of items on a display using a graphical operating environment, comprising: an

item collection manager for providing a collection of items within a container, the

container having a background appearance, Baecker teaches, in column 6, line 53

through column 7, line 29 and in figure 6, representing the actual contents of particular

documents in a frame. With regard to claim 15, which further teaches a display provider

for displaying a graphical preview of at least one item on the outer appearance of the

container, Baecker teaches, in column 6, line 53 through column 7, line 29, column 7,

lines 42-60, and in figure 6, the items being represented by a scaled down

representation of the item on a folder icon. With regard to claim 15, further teaching

enabling a computer user to more easily identify the contents of the container without

opening the container, Baecker teaches, in column 6, line 53 through column 7, line 29

and in figure 6, the representations being viewable without opening the files. Becker,

however, doesn't disclose displaying a textual message in addition to the background

appearance and the graphical preview. Poole teaches a system of displaying a reduced

size representation of a picture as an icon (see page 159), but further teaches

displaying a textual description of the document along with the reduced image (see

page 123 and page 159). It would have been obvious to one of ordinary skill in the art,

having the teachings of Baecker and Poole before him at the time the invention was

made to modify the system of displaying reduced images in a folder view of Baecker to

show the images along with textual descriptions as did Poole. One would have been

motivated to make such a combination because the textural descriptions would provide

a further degree of explanation of the document without the need for opening the

document.

19.   With regard to claim 16, which teaches a computer system for displaying a

collection of items on a display using a graphical operating environment, comprising: a

background appearance rendering component for providing a collection of items within

a background appearance, Baecker teaches, in column 6, line 53 through column 7, line

29 and in figure 6, representing the actual contents of a particular documents in a

frame, where the folder, as shown in figure 6, is known in the art to comprise a

background appearance. With regard to claim 16, which further teaches a graphical

preview rendering component for displaying a graphical preview of at least one item on

the outer appearance of the container, if the collection can be graphically represented,

Baecker teaches, in column 6, line 53 through column 7, line 29, column 7, lines 42-60,

and in figure 6, generating scaled down representations of the available items. Becker,

however, doesn't disclose displaying a textual message in addition to the background

appearance and the graphical preview. Poole teaches a system of displaying a reduced

size representation of a picture as an icon (see page 159), but further teaches

displaying a textual description of the document along with the reduced image (see

page 123 and page 159). It would have been obvious to one of ordinary skill in the art,

having the teachings of Baecker and Poole before him at the time the invention was

made to modify the system of displaying reduced images in a folder view of Baecker to

show the images along with textual descriptions as did Poole. One would have been

motivated to make such a combination because the textural descriptions would provide

a further degree of explanation of the document without the need for opening the

document.

Response to Arguments

20.   The arguments filed on 09-07-2004 have been fully considered but they are not

persuasive. Reasons set forth below.

21.   The applicants' argue that the Baecker reference doesn't teach a method for use

on a computer that displays a graphical preview of an item on the outer appearance of

the container.

22.   In response, the examiner respectfully submits that Baecker teaches, in column

6, lines 63-66 and in figure 6, showing icons [609] on the outer appearance of an icon

[607].

23.   The applicants' argue that the Baecker reference neither teaches or suggests a

method that displays a textual message in addition to a background appearance and a

graphical preview.

24.   In response, the examiner respectfully submits that Baecker teaches the use of

both iconic and textural descriptions of items in a folder but doesn't explicitly state the

combination of such. Poole teaches a system of displaying a reduced size

representation of a picture as an icon (see page 159), but further teaches displaying a

textual description of the document along with the reduced image (see page 123 and

page 159). Where the combination would be obvious as shown supra.

Conclusion

25.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

26.   A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any
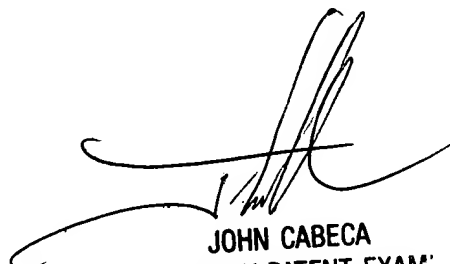
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

27.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Dennis G. Bonshock whose telephone number is (571)

272-4047. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00

p.m.

28.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

29.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

1-24-05
dgb

JOHN CABECA
SUPERVISORY PATENT EXAM
TECHNOLOGY CENTER